

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

IN RE: **Juan J. Rodriguez**  
**Sonia D. Rodriguez**  
 Debtor(s)

Case No.

Chapter 13 Proceeding

**AMENDED**    **MODIFIED**  
**DEBTOR(S)' CHAPTER 13 PLAN**

**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at [www.txwb.uscourts.gov](http://www.txwb.uscourts.gov).*

*Use of the singular word "Debtor" in this Plan includes the plural where appropriate.*

**Plan Summary**

- A. The Debtor's Plan Payment will be **\$1,425.00 Monthly**, paid by  Pay Order or  Direct Pay for **60 months**. The gross amount to be paid into the plan is **\$85,500.00**.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately **53%** of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is **\$0.00**.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

**Plan Provisions**

**I. Vesting of Estate Property**

- Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- Other (describe):

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*Continuation Sheet # 1*

**II. Pre-Confirmation Disbursements**

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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**III. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

**IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506**

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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*Continuation Sheet # 2*

*"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on \_\_\_\_\_."*

Debtor

Joint Debtor

**V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)**

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks

**VI. Specific Treatment for Payment of Allowed Claims**

**1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS**

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
Tax Assessor/Collector 6165 Sand River, El Paso, TX	2015 & Future Tax - Escrowed		
Wells Fargo Home Mortgage 6165 Sand River, El Paso, TX		\$109,077.00	\$1,186.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered

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*Continuation Sheet # 3*

**2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS**

**A. Administrative Expenses**

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Martinez Law Firm	\$2,760.00	Along With	

**B. Priority Claims, Including Domestic Support Obligation Arrearage Claims**

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks

**C. Arrearage Claims**

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks

**D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed**

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks

**E. Secured Creditors**

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
GECU 2015 Nissan Quest	\$37,129.00	\$37,129.00	Pro-Rata	5.25%	\$40,189.42	

**F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).**  
*Describe treatment for the class of general unsecured creditors.*

General Unsecured Creditors will receive approximately 53% of their allowed claims.

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*Continuation Sheet # 4*

Creditor	Estimated Debt	Remarks
Advanced Call Center Tech		
American Express	\$3,944.00	
Atherotech	\$40.00	
Bank of America		
Best Buy	\$3,321.00	
Capital One/Polrs		
Care Credit/SYNCB	\$5,080.00	
CBNA		
CBNA		
CBNA		
Central Credit Services, LLC		
Chevron/SYNCB		
Citibank		
Dillards Card Services/WF	\$845.00	
El Paso Heart Center PA	\$68.00	
Erasto Cortes, MD	\$63.00	
Evolve Federal Credit Union	\$9,187.00	
GECU	\$1,411.00	cross-coll.
Great Plains Laboratory	\$1,893.00	
Great Plains Laboratory Inc.		
HCFS Healthcare Financial Serv	\$354.00	
Imaging El Paso	\$522.00	
JC Penney	\$161.00	
Kohls/Capital One	\$2,005.00	
Linebarger, Goggan, Blair & Sampson		
North Shore Agency		
Providence Imaging Consultants PA	\$89.00	
Providence Memorial Hospital	\$72.00	
Sams Club/SYNCB	\$9,810.00	
Snap Diagnostics, LLC	\$250.00	
SYNCB/Amazon	\$701.00	
Teachers Federal Cr. Un.	\$17,356.00	
Texas Tech	\$65.00	
Time Warner	\$453.00	
Toys R Us	\$2,323.00	
US Bank	\$2,165.00	
Verizon Wireless	\$1,392.00	
Wal-Mart	\$1,045.00	
Wells Fargo		

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*Continuation Sheet # 5*

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**Totals:**

Administrative Claims	<b><u>\$2,760.00</u></b>
Priority Claims	<b><u>\$0.00</u></b>
Arrearage Claims	<b><u>\$0.00</u></b>
Cure Claims	<b><u>\$0.00</u></b>
Secured Claims	<b><u>\$37,129.00</u></b>
Unsecured Claims	<b><u>\$64,615.00</u></b>

**VII. Supplemental Plan Provisions**

The following are the Supplemental Plan Provisions:

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- A. Pursuant to 11 U.S.C. §1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or the future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.
- B. The Debtor(s) further agree, to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing the percentage payout to unsecured creditors.
- C. Confirmation to the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, especially where the creditor is scheduled as "direct pay" or "outside," to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.
- D. If any unscheduled creditor files a timely claim, with proper attachments, the Plan will provide for that claim as filed unless objected to by the Debtor. The secured creditors will be paid 8% interest.
- E. If additional funds become available, creditors may receive higher monthly payments.

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*Continuation Sheet # 6*

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Respectfully submitted this date: 1/26/2016.

**/s/ Eric M. Martinez**

Eric M. Martinez  
5601 Montana Ave., Suite A  
El Paso, TX 79925  
Phone: (915) 490-0063  
(Attorney for Debtor)

**/s/ Juan J. Rodriguez**

Juan J. Rodriguez  
6165 Sand River  
El Paso, TX 79932  
(Debtor)

**/s/ Sonia D. Rodriguez**

Sonia D. Rodriguez  
6165 Sand River  
El Paso, TX 79932  
(Joint Debtor)

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CHAPTER **13**

**CERTIFICATE OF SERVICE**

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I, the undersigned, hereby certify that on January 26, 2016, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Eric M. Martinez

Eric M. Martinez  
Bar ID:24034822  
Martinez Law Firm  
5601 Montana Ave., Suite A  
El Paso, TX 79925  
(915) 490-0063

Advanced Call Center Tech  
2646  
P.O. Box 9091  
Gray, TN 37615

Bank of America  
P.O. Box 982235  
El Paso, TX 79998

CBNA  
xxxx-9414  
P.O. Box 6497  
Sioux Falls, SD 57117

American Express  
x3008  
P.O. Box 981537  
El Paso, TX 79998

Best Buy  
P.O. Box 15521  
Wilmington, DE 19850

CBNA  
xxxx-xxxx-6963  
P.O. Box 6497  
Sioux Falls, SD 57117

Atherotech  
xxx4133  
P.O. Box 1118  
Birmingham, AL 35201

Capital One/Polrs  
xxxxxxxx2213  
P.O. Box 71083  
Charlotte, NC 28272

CBNA  
xxxx-xxxx-8125  
P.O. Box 6497  
Sioux Falls, SD 57117

Attorney General of the United States  
Dept of Justice  
950 Pennsylvania NW  
Washington, DC 20530

Care Credit/SYNCB  
P.O. Box 965036  
Orlando, FL 32896

Central Credit Services, LLC  
xx9751  
P.O. Box 358  
Ramsey, NJ 07446

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CHAPTER **13**

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #1)

Chevron/SYNCB xxxx-5910 P.O. Box 965036 Orlando, FL 32896	Great Plains Laboratory xxxx7467 c/o Credit World Serv., Inc. 6000 Martway St. Mission, KS 66202	Juan J. Rodriguez 6165 Sand River El Paso, TX 79932
Citibank xxxx-1808 P.O. Box 20363 Kansas City, MO 64195	Great Plains Laboratory Inc. xx7527 11813 W. 77th St. Overland Park, KS 66214	Kohls/Capital One P.O. Box 3115 Milwaukee, WI 53201
Dillards Card Services/WF P.O. Box 522 Des Moines, IA 50306	HCFS Healthcare Financial Serv xxxxxxxx-xxx-x4516 Akron Billing Center 3585 Ridge Park Dr. Akron, OH 44333	Linebarger, Goggan, Blair & Sampson xxxxxxxxxxxx0200 711 Navarro, S-300 San Antonio, TX 78205
El Paso Heart Center PA xxxxx-xxxx9315 101 Rim Rd., S-300 El Paso, TX 79902	Imaging El Paso 4257 2930 N. Stanton St. El Paso, TX 79902	North Shore Agency xxxxxxxxxxxx0001 270 Spagnoli Rd., S-110 Melville, NY 11747
Erasto Cortes, MD xx8940 723 Wellesley Rd. El Paso, TX 79902	Internal Revenue Service Special Procedures Staff Stop 5022 AUS, 300 E. 8th St. Austin, TX 78701	Providence Imaging Consultants PA xxxxxx-xPIC1 P.O. Box 3180 Indianapolis, IN 46206
Evolve Federal Credit Union 8840 Gazelle Dr. El Paso, TX 79925	Internal Revenue Service P.O. Box 7346 Philadelphia, PA 19101	Providence Memorial Hospital xxxxx4910 P.O. Box 830913 Birmingham, AL 35283
GECU P.O. Box 20998 El Paso, TX 79998	JC Penney Attn: Bankruptcy Dept. P.O. Box 965007 Orlando, FL 32896	Sams Club/SYNCB P.O. Box 965005 Orlando, FL 32896

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CHAPTER 13

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #2)

Snap Diagnostics, LLC  
xx2910  
5210 Capitol Dr.  
Wheeling, IL 60090

United States Attorney  
601 N.W. Loop 401, Suite 600  
San Antonio, TX 78216

SYNCB/Amazon  
P.O. Box 965036  
Orlando, FL 32896

US Bank  
P.O. Box 790179  
Saint Louis, MO 63179

Tax Assessor/Collector  
xxxxxxxxxx0200  
P.O. Box 2992  
El Paso, TX 79999

Verizon Wireless  
xxxxxxxxxx0001  
P.O. Box 660108  
Dallas, TX 75266

Teachers Federal Cr. Un.  
12020 Rojas Dr.  
El Paso, TX 79936

Wal-Mart  
Attn: Bankruptcy Dept  
P.O. Box 103104  
Roswell, GA 30076

Texas Tech  
4800 Alberta  
El Paso, TX 79905

Wells Fargo  
xx6542  
P.O. Box 94498  
Las Vegas, NV 89193

Time Warner  
xxxxxxxxxx2210  
7010 Airport Rd.  
El Paso, TX 79906

Wells Fargo Home Mortgage  
xxxxx0361  
P.O. Box 10335  
Des Moines, IA 50306

Toys R Us  
2646  
P.O. Box 965005  
Orlando, FL 32896